

THE
OCCASIONAL
HISTORIAN.

NUMB. III. To be continu'd.

CONTAINING A
VINDICATION
OF
King CHARLES I.

FROM THE
CRAFTSMAN'S Charge of Cruelty, in
relation to the *Star-Chamber*.

Count. Jour. N. 241. Feb. 13. 1730-1.

By Mr. E A R B E R T.

Once a Rebel always a Rebel. Shakespear.

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WILLIAMSON
OCCASIONAL

AND

CONTAINING

VINDICATION

OF

THE



GRANT'S AND CHARGE OF CASH
RELATION TO THE

AND

OF

LONDON

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INTRODUCTION.



SHALL in this future Performance give the Reader a distinct View of this infamous Quarrel, which has involv'd the Nation in Misery and Disgrace, though Mr. *Craftsman* calls it a glorious one: All his pretended Terms of Honour are set in their proper Light and Colours, for the Information of the present Age, who have reason to ask why their Teeth are set on edge.

The *Star-Chamber* was as ancient as any known Part of our Temporal Constitution; yet Numbers to this Day believe it was set up by King *Charles* the first, to enlarge oppressive Power and destructive Schemes. I shall set that Court in as proper a View as I can, and I flatter myself I have prov'd it the elder Brother to Parliaments.

As to Parliaments, tho' I never was an Enemy to their Being, I have given an hint,
that

INTRODUCTION.

that pursued may cut off a great deal of unnecessary Dispute concerning their Institution without original Contracts, *Saxon Wittingamotes*, and such like Trumpery.

I have intirely discharg'd Boxing from that grave and reverend Assembly; and if Mr. *Craftsman* can discharge Pensions, we may for the future promise our selves something better than a *Polish* Dyet, when they meet with the Temper of the landed Men they represent. As Boroughs have a Right by Prescription, I do not wish to have it taken away; tho' I dare affirm, that if the landed Gentry had sent their Representatives alone, we should have had neither Bribery, Sedition, Schism, or Rebellion ever within those Doors, where St. *Stephen's* Name has been too much profan'd in these Times, concerning which I am about to inform the Reader, unborn in that dismal Age of Confusion and Horror.

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Occasional Historian.

NUMBER III.

Containing A

VINDICATION

OF

King **CHARLES I.** &c.



HERE is a vast Difference
with those Historians who are
Practical, and those who are
Theoretical; the latter Sett
of Gentlemen are very apt to
raise an Hypothesis of their
own, and to make Law, Facts, and the
strongest Evidence bend thereto; for my
part, I desire nothing to be believ'd as
B coming

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coming purely from my self : I shall use the World as a Court of Judicature, before whom I shall be asham'd and afraid to deliver a Falsehood : It's worse than standing on the Pillory to be pointed out by the Sons of *Parnassus*, as an incorrigible Scrib-
bler. I am sorry to charge Mr. *D'Anvers* with being one of that callous Tribe, on whom Shame makes no Impression.

After I had publish'd my Second Number of *The Occasional Historian*, Mr. *D'Anvers* had the Modesty still to assert, that Queen *Elizabeth* preserv'd the Ballance of Property : And since, in his Journal *May 8*, he very gravely tells us, she never punish'd any for Religion, and was inviolably attach'd to Liberty of Conscience, tho' I told him before, she hang'd some Presbyterians at *Bury*, for Religion only.

Perhaps he thinks my Historians will not pervade every Corner in *England* as his *Craftsman* does : And tho' a Lie may be kill'd within forty Miles of *London*, it may be alive in the Extremities of *Wales*, and may be ador'd instead of Truth at *Berwick* upon *Tweed* : Yet here he will be deceiv'd, for if the Historian is more bulky, the Country Printers have a Method of extracting Quintessence enough to serve the general Good, by destroying the *Craftsman's* Lies in all their Quarters.

He

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He lays it down as a Maxim, that King *Charles* the First, by transgressing the Bounds of the Constitution, brought on a Revolution; and, amongst other Transgressions, by his Cruelties in the Court of *Star-Chamber* he effected that wonderful Turn in the Commonwealth in *England*, by which the People, in the Space of twenty Years, had a Taste of all the Species of Tyranny that ever were in Being: His Words are, *I cou'd tell this Author of several Englishmen in former Reigns who have been as cruelly tortur'd for speaking the Truth: And these arbitrary Proceedings were commended not long ago as proper Precedents to be put in Practice at present, tho' they had contributed to several Revolutions in Government, and the Court which had been guilty of them is abolish'd by Act of Parliament.*

If we bring all this to the Tests of Facts, we shall find the whole Paragraph will evaporate. For

1st, I defy him to produce any Instance of *Englishmen* being tortured in that Court for speaking the Truth, in the Reigns he terms cruel and tyrannical. Queen *Elizabeth*'s Reign was an harmonious one, the Ballance of Property was so even, the Court cast not a Grain into the Scale, if we believe our Memorialist; and therefore that Reign is excluded out of the Question.

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The *Star-Chamber*, as Sir Edward Coke informs us, inflicted Punishments by Pillory, Papers, Whipping, Loss of Ears, Tacking of Ears, Stigmata in the Face, *for it extendeth not* (says he) *to the Life of Man, or Obtruncation of any Member, the Ears only excepted; and those rarely, and in most heinous and detestable Offences.* See Sir Edward Coke's Jurisdiction of Courts, *ad Fin.*

I conclude from hence, Queen Elizabeth's Rack did not belong to the Court of the *Star-Chamber*, nor to the *Aculei Inglesi*, mention'd by *Boccalini*, so that they neither distorted the Limbs, nor cut off Genitals, nor embowel'd Persons alive; therefore their Tortures are reduced to a very narrow Compass, and are remaining still with the Court of *Kings-Bench*: Tho' in my Opinion, the taking a Man's Ears signifies very little, without taking his Tongue out of his Head at the same Time.

I say, 'tis very hard to load the *Star-Chamber* with Reproach, for using Punishments that are common to all Societies, and are now in Use at this Day: This is arraigning the Constitution it self: I shall name to the next Particular *their inflicting these Punishments for speaking the Truth.*

As Queen Elizabeth's Reign is excluded by the *Craftsman*, and no Revolutions were ever pretended to come from thence, except

cept one, I shall confine my Observations to that Reign in which the Revolution came to pass; tho' Mr. *Craftsman* confesses in that Reign and by that very King, the Court was abolish'd before the War began.

What Rancles, what Festers, what Sores, did the Cruelty of that Court make? not only at the roots of *Bastwick*, *Prynne*, and *Burton's* Ears; but in the Minds of the *English*, that no Compliance could expiate, nor even the Abolition of the Court deface. How tender were *Englishmen* then of their Ears; sympathetick Ears I may call them, when so many felt the Torture so long after. But what Truths did these Men lose their Ears for.

The first was *Leighton* a *Scotsman*: This Gentleman wrote a Book call'd, *Sion's Plea*; I have not this wonderful Performance in my Hands; but by the Extract in *Heylin's* Life of Archbishop *Land*, we may easily guess at the Spirit and the Merits of the Man. He was for *killing the Bishops, and smiting them under the fifth Rib*. I ask if that would not be Felony in these Times; he moreover bestow'd his Compliments upon the Queen, that she was an Idolatress, a *Canaanite*, and a Daughter of *Heth*. I desire to know if the Court of *King's-Bench* would not come up to the Height of *Star-Chamber* Tortures, if any one was to use a certain Lady in *England*, in that barbarous and vile

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vile manner; what would Foreigners think of the Politeness of our Nation to suffer so many Injuries to a Lady of her Birth and Rank, and what Prince would deliver his Daughter up to the Embraces of an *English* Prince, to have her ruffled by the Mob? I remember I was indicted for calling K. *John* a Brute, tho' I had all the Historians that ever wrote at those Times on my Side: I was outlaw'd, and an Attorney General mov'd the Court for my Skin, and surely my Crime was much more remote than *Leighton's*, as K. *John* had been dead near 500 Years, and when his very Bones were consum'd, I thought I might safely pick his Memory; but here was a living Princess, her Husband in Possession of her Charms, and of three mighty Kingdoms, and I think the Nose and Ears of such a Fellow as *Leighton* was the slightest Expiation of such Affronts ever known in any Kingdom or Empire in the World. I shall carry my Censures on more severely still; that Mr. *Craftsman* deserves the same Application of Tortures, if Tortures they must be called, for abusing the Queen Consort of King *James* the Second. I think his Nose and Ears bear little Competition with the Heinousness of his Crime.

I observe, that Controversy generally raises an Inflammation in a Kingdom, that ends in a political Madness; and ill Language was one of the Symptoms of the Madness
of

of that Age. The placing the *Papists* upon the same Foot with the *Canaanite* Idolaters, cursed by God and decreed to be rooted out was a very ill Preparation to the Peace of the Christian World, and if carried on to this Day, would have a very ill Effect upon our Treaties; and, not without Reason, raise a Jealousy in *Popish* Princes, and alarm them justly against their own Subjects, who made those exterminating Parallels.

And to bring it home to the Bed of the King, to turn a better Man than St. *Lewis* into an *Ahab*, and his Spouse into a *Jezabel*, had as awkward a View to the Peace and Quiet of these Kingdoms, as the Event too dismally prov'd.

The Peace of private Families is a sacred Thing, and surely the Peace of Kingdoms, and the Peace of a Royal Bed ought to be more sacred; and the Consequences are still greater, when we consider, the Fanaticks of that Age weav'd Religion into the Titles of Princes, and Idolatry or Popery were equivalent to Bastardy.

If *Leighton* was tortur'd for Truth and Righteousness Sake, and cruelly tortur'd too, Mr. *Craftsman* has surely inverted the Terms and speaks backwards. It must be a Truth that belongs to the Devil, and a Righteousness to establish his Throne upon Earth.

His Libel against Archbishop *Laud*, contain'd these following Expressions, as I find them

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them in *Rushworth*, Laud look to thy self, be assur'd thy Life is sought as thou art the Foundation of Wickedness, repent of thy monstrous Sins before thou art taken out of the World, and assure thy self neither God nor the World can endure such a vile Counsellor or Whisperer to live. The other, says *Rushworth*, was as bad against the Lord Treasurer *Weston*.

As we may conjecture from the Fate of Doctor * *Lamb*, who was cruelly Libell'd out of his Life in those Days, this was a Libel spirited up, to shew the Mob how to handle an Archbishop in equally as bad a manner.

In short, as the present Age has made it Felony without Benefit of the Clergy, to conspire the Death of a privy Counsellor; They have justified the Mildness of that Reign, in compounding the Heinousness of that Crime with the Loss of a pair of Knaves Ears. Shall we accuse the *King's-Bench* of Tyranny, for cutting off the Ears of Sir *Peter Stranger*, and slitting his Nostrils, and was his Crime equal to *Leighton's*? Forging Characters is worse than forging a Hand for a few Acres of Land, especially Characters of that consequence, which bastards a Royal Family at once.

I would ask Mr. *Craftsman*, if these noted Times of Liberty, have given Occasion

* Torn into Pieces by the Mob, under the notion of a Conjuror.

to call the *Star-Chamber* Punishments cruel Tortures. I remember a School-Master was whip'd very severely for reproaching a certain Prince : And it concerns very little the Spirit of Liberty, whether Justice is fetch'd from the *Kings-Bench* or from the *Star-Chamber*, Privy Counsellor or Judges : All Courts will punish Affronts offer'd to Crown'd Heads in Possession, however ill they have been treated in Person at home, or in Exile abroad.

The next Person brought upon the Stage was *Prynne*, in the Year 1632. If we look into the Council Register that Year, we shall find his Books were call'd in as highly scandalous, detrimental to the publick Peace, and the Honour of the King.

I can inform the *Craftsman*, that Mr. Attorney-General in our Times, mov'd the Court of *King's-Bench* for corporal Tortures to be inflicted upon myself, being charg'd with writing *The History of Clemency*, and reflecting, as his Words were, upon the Honour of the King : So tender is every Age of their Princes in Possession : And without any Derogation to Families in being, the Honour of *King Charles* the First was equivalent to all now in *Europe* put together.

I consider him under all the agreeable Characters that conspire to form a great Prince and a good Christian. I consider him

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as a Saint in his private Life, as a Champion in the Field for the Liberties of his Country, and a Martyr at the Block for both Church and State; and as his Blood with Aggravations lies still upon our Nation, his Honour is the most tender Consideration an *Englishman* can have: And this is my Apology for valuing his Memory so dearly.

In all Libels, we must consider the Scope and Intention, for it is certainly very easy to evade Sir *Edward Coke's* Definitions of a Libel, and yet to carry on such formidable Attacks against a Government, as may prove very dangerous, and even treasonable. At the same time I lay it down as a Maxim, no Man libels a Government, without an ugly View towards its Safety. By Government, I mean the Person of the Prince: As to Ministers, in some Cases, it's a publick Duty to explain their Characters; tho' I confess it will not hold even there at all Times.

As the Intention of a Pamphlet or Libel is the first Consideration, and indeed the sole Motive of a State Prosecution; and as the Intention cannot be legally prov'd without a little Mechanism, in picking out particular Sentences, and when an unguarded one is found to press it into the State Service; the Managers take care to make that unguarded Expression Answer for all the Malice

Malice of the Intention, otherwise a State would suffer more by pestiferous Pens, than by the open Machinations of the Dagger, as *Boccalini* says.

Mr. *Prynne* observ'd, that both King and Queen were sometimes Frequenters of Plays and Masquerades; for tho' the King himself was Seraphick as to Piety, he did not come up to Mr. *Law's Scheme of Christian Perfection*; and if he had, his Enemies might, according to the old *Eastern Custom*, have shav'd him for a Monk, instead of cutting off his Head.

This Blot (and Heaven knows a little one) Mr. *Prynne* was to hit, for all the Adversaries of the King had their different Posts assigned, to attack either the Character of the Monarch, or the Prerogatives of the Crown.

He compos'd his *Histrion Mastix*, in which he endeavour'd to prove,

1st, That all Stage-Players had their Original from the Devil.

2^d, That the Devil employ'd *Pagans* as his Instruments to carry them on.

3^d, That they were carried on to promote Idolatry.

4th, That Stage-Plays are renounc'd by our Baptismal Vow.

From these Premises, if true, it consequently follow'd, that the King and Queen carried on the Work of the Devil and Idolatry,

latry, in open Defiance of their Baptismal Vow.

He proceeds p. 220. He makes Dancing to be equivalent to any mortal Sin that ever was committed, as we may conclude from his bitter Invectives thro' all that Division, this was intended to strike home at the King and Queen, who sometimes diverted themselves in that very inoffensive Manner.

From thence he proceeds to the *Expence of these Diversions*, and says p. 321, *That these prodigal Disbursements have been well nigh as expensive as the Wars*; by which he would insinuate a Misapplication of the publick Monies given in Parliament to support the Honour and Glory of the Nation.

Page 461, He makes it the Test of a good or vicious Prince, whether he frequented Plays.

He says, p. 492, That the Master of the *Revels* had no Authority to license vagrant Players, and that they are Rogues; consequently the King gave a Power to the Master of the *Revels* to license Rogues.

Page 542, he asserts, That all the Spectators of Plays have an *inward Disesteem, a violent Antipathy, an implacable Enmity against the principal Power of Grace and Holiness, against all pious and religious Men.*

Page 552, he says, Stage-Plays draw down upon the Composers, Actors, and Spectators, and those Republicks that tolerate and approve them, God's fearful Judgments.

He concludes, as a finishing Stroke, that Stage-Plays, without a sincere Repentance, eternally damn Mens Souls.

The Reader will find from this general Recapitulation, that he consequentially brings both King and Queen, and Government under the heavy and fearful Judgment of God for frequenting Plays: He divests them of all Grace, and makes 'em carry on the Work of the Devil and of *Paganism*.

Mr. *Prynne* did not stick here, at bringing the King and Queen consequentially into his Libel, he points 'em out, and makes direct Applications: In his *Epistle Dedicatory*, he gives the Honourable Bench of *Lincoln's-Inn* to understand, that the then Reign, in respect to Plays, was more scandalous than *Nero's*.

As the Queen and King sometimes us'd the Diversion of Dancing, I shall shew the Reader how handsomly Mr. *Prynne* paints it out, and describes all its imaginary Horror: *The Woman that singeth in the Dance is the Prioress of the Devil, and those that answer are Clerks; and the Beholders are the Parishioners, and the Musick are the Bells, and the Fiddlers are the Minstrels of the*

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the Devil. These are the Words quoted by the Lord Chief Justice *Richardson* in the *Star-Chamber*. See *Rushworth*, Vol. I. Part 2. Page 235. It was most certainly a great Strain to make Courtiers Parishioners to the Devil. But to finish this fine Piece of Painting, I shall present to the Readers more of this egregious Scurrility, quoted by the Lord *Cottington* in the *Star-Chamber*, at that Trial. *Our English Ladies shorn and frizzled Madams (Whores) have lost their Modesty. That the Devil is only honour'd in Dancing, that Plays are the chief Delights of the Devil; they that frequent Plays are damn'd, and so are all that do not concur with him in his Opinion, were as Panders, foul incarnate Devils, Judases to their Lord and Master, &c. Princes Dancing in their own Persons, his Censure of them, says Lord Cottington, is infamous. That it is the Cause of untimely Ends in Princes.*

The whole Tenour of Mr. *Prynne's* Book, was to strike at the Persons of the King and Queen, and all his scandalous Expressions were his free Gift, bestowed upon those unhappy Princes.

But when we consider his farther Applications, of *Roman* History, his justifying the Murder of Princes, and the wicked Positions of *Mariana*; I affirm in this Age, by all the Examples of Punishments

I have

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I have seen, and known, he would have been hang'd.

For, says he (as my Lord Chief Justice *Richardson*, quotes him) *Trebellius Pollio* relates, That *Martian, Heraclitus, and Claudius*, three worthy Romans, conspir'd together to murder *Gallienus*. The Emperor (a Man much besotted and taken up with Plays, to which he likewise drew the Magistrates and People by his lewd Examples) as *Flavius* and others conspired *Nero's Murder* for the self same Cause.

He observed before, that *Nero's* acting or frequenting Plays was the chiefest Cause that stirred up others to conspire his Death.

In short, the King and Queen were notoriously pointed out by these vile Characters, and recommended to the People to be mob'd and murder'd.

I conclude, that there were several Overt Acts of Treason in the publishing this Book; that no State or Power in the World ever forgive such Criminals; and it was a most merciful Composition to spare his Life, and take his Ears.

In this Age, one *Matthews* was hang'd for Printing the *Vox Populi*, the Hints were thought strong enough to amount to a Persuasive to an Insurrection; but *Prynne's* was a Persuasive to attack the Person of King *Charles*, and to put him to Death; and yet he was punish'd only with Loss

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Loss of Ears, tho' it has been cried out as an unparallel'd Cruelty to take those Ears; nay, the Cruelty was a sufficient Motive to abolish that Court, because he wore a Gown, and belong'd to one of those Learned Professions whom all polite Nations protect.

Mr. *Prynne* Excommunicated a great Part of the Laity for frequenting Plays. He Excommunicates King, Queen, Nobles, with the utter Excommunication.

Mr. *Howel*, in my Time, who wore a little more sanctified Gown than Mr. *Prynne*, was sentenc'd to be whip'd for Excommunicating with a lesser Excommunication the Frequenters of the publick Churches; sure *Prynne's* Crime was greater of the two, because he allow'd no Repentance, no Return to the Bosom of the Church. I ask any considerate Man, how a King can look in the Eyes of the People, when they all think him eternally damn'd.

Was King *Charles's* Reign after all this, more cruel than any other? And was an unnatural War justly rais'd to revenge a legal Sentence pass'd upon *Prynne's* Ears? And can Mr. *Craftsman* term Mr. *Prynne's* Punishment a cruel Torture for his speaking the Words of Truth and Righteousness? How near will Mr. *Prynne's* Hypothesis touch Mr. *Craftsman's* Family and all his Friends? How will it affect our modern Masquerades and Midnight Revels? How
nearly

nearly will it affect that lovely Performance the *Beggar's Opera*; that Representation in Miniature of all the grand Transactions in the World?

Thus I have set Mr. *Prynne's* cruel Tortures in a proper Light; and by this time the World may be convinc'd, the Clemency of the *Stuarts* is more their Misfortune than their Crime: They have suck'd the mild *Saxon* Blood into their Veins, derived from those Christian Heroes who nourish'd and planted Virtue and Religion in our Island; of whose Race King *John* was the only Tyrant for 1300 Years together; tho' Mr. *Craftsman's* Heroe, for murdering a Nephew, in order to push away Hereditary Right.

I shall next bring the Reader within View of the next terrible cruel Tortures upon *Prynne*, a second Time, in Conjunction with *Bastwick* and *Burton*; a Physician the first, and the other a factious Priest, disappointed of Preferment in the Court of King *Charles*; and having no Powers except the Scurrilities of his Tongue, he vented all his inborn Malice that way. He level'd chiefly his Spleen against the Liturgy of the Church; and to infuse a Jealousy through the Kingdom; that an utter Change of Religion was design'd. Of this we have a Hint given in the Archbishop's Speech in the Court

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of

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of *Star-Chamber*, upon that Occasion; his Words are,

For the main Scope of these Libels is to kindle a Jealousy in Mens Minds that there are some great Plots in hand; dangerous Plots (so says Mr. Burton expressly) to change the Orthodox Religion established in England, and to bring in I know not what Romish Superstition in the Room of it.

This Speech may be found in *Rushworth*, An. 1637, and in a Pamphlet by it self.

However mild our *English* Laws are, the Lord *Balmerino* in *Scotland* was convicted of Treason, for no more than *Burton* lost his Ears in *England*. To assert that a King designs to alter the established Religion, is big with treasonable Consequences, because it awakes the whole Kingdom; and as Nature too frequently rebels against Principle, those Insinuations are so many Overt Acts of persuading People to rebel. In this Sense the *Scots* take all seditious Libels, where the Person or Character of the Prince is struck at in a gross Manner. This is putting the Ax to the Root of the Constitution, and therefore *Burton's* Crime, equally as *Prynne's* before, deserved Death.

In those Days, the manner of Libelling was so gross, that all the Malice of Hell, and the Volubility of *Billingsgate* seem'd united together. They were great Proofs of the Barbarism of our Nation, and reflected

ed Dishonour upon the whole Kingdom. Argument required too strong a Chain of Thinking for those Hot-heads who oppos'd the Government at that time. I shall give the Reader a Specimen of *Burton's* Rhetorick, as it is extracted from his Works by *Heylin*, p. 329.

We must consider, Episcopacy was so established and woven into our Constitution, that the whole was equally affected by a Blow at That, as a Knock of the Pate affects the whole Man when he is beat down to the Ground. They are declar'd by Act of Parliament to be of divine Institution; they have a great Share of the Legislative Power in the House of Lords, where they compose one of the third Estates, and therefore I may safely assert, they are as essential to our Constitution, as the other Estate in the House of Lords, or the House of Commons themselves: Yet *Burton* excited (as *Heylin* says in his *Life of Archbishop Laud*, See p. 329.) the People to rise against them: And to reinforce his Motives, he uses the following Language.

For Fathers, he calls them *Step-fathers*; for Pillars, *Caterpillars*; *their Houses haunted, and their Episcopal Chairs poison'd by the Spirit that bears Rule in the Air. Limbs of the Beast, even of Antichrist taking his very Courses to bear and beat down the Hearing the Word of God, whereby*

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Men might be saved. Their Fear is more toward an Altar of their own Invention, towards an Image or Crucifix, towards the Sounds and Syllables of Jesus, than toward the Lord Christ. Miscreants, Trains and Wiles of the Dragon's Dog-like flattering Tail. New Babel Builders, blind Watchmen, dumb Dogs, Thieves and Robbers of Souls, false Prophets, ravening Wolves, Factors for Antichrist, Antichristian Mushrumps. They cannot be quiet till they set up Popery again in her full Equipage; Tooth and Nail for setting up Popery again, trampling under Feet Christ's Kingdom, that they may set up Antichrist's Throne again, according to the Spirit of Rome which breathes in them, by which they are so strongly byass'd to wheel about to their Roman Mistress. The Prelates confederate with Priests and Jesuits, for rearing up of that Religion, Jesuited Polipragmaticks, and Sons of Belial. He proceeds next to revile White of Ely, for perverting and fighting against the Truth; and calls Mountague of Chichester a tried Champion of Rome, and a devoted Votary to his Queen of Heaven. As to the Archbishop, he says, he us'd to set his Foot on the King's Laws, as the Pope did on the Emperor's Neck; with his Right-hand he was able to sweep down a third Part of the Stars of Heaven; that he had a Papal Infallibility of Spirit.

This

This is the fine Rhetorick Mr. *Craftsman* calls Truth and Righteousness, for no other than such Stuff as this did they all suffer.

Prynne was brought on the Stage again as a second Offender: The Government lent him half his Ears due for his first Transgression, and to the *Star Chamber* he was call'd to pay the Remainder. *Rushworth* would insinuate he was very soft and modest; yet in one of his Libels, call'd *News from Ipswich*, he calls the Archbishop, *Archpiety, Archcharity, Archagent for the Devil, that Belzebub himself had been Archbishop, &c.* He calls Bishops, *Luciferian Lord-Bishops, execrable Traitors, devouring Wolves*, and more particularly as to *Wren*. 'That in Queen *Mary's* Time 'no such Havock was made in so short a 'Time of the faithful Ministers of God in 'any Part, nay in the whole Land, than 'had been made in his Diocese.

As this Gentleman was brought into the same Court again within the Space of four Years, and paid only back his old Arrears, I cannot accuse them of Cruelty: He levied a continual War against the Crown without any Cessation of Arms; and the whole Intention for so many Years, was one uniform Act of Treason.

The next was *Bastwick*, who wrote the *Flagellum Episcoporum Latialium*, a scandalous

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dalous Invective against Episcopacy. His Litany was equally impudent. His Spirit may be guess'd at from what *Rushworth* relates, to this Purpose.

Prelates Invaders of the King's Prerogative; Royal Contemners and Despisers of the whole Scriptures; Advancers of Popery, Superstition, Idolatry and Prophane-ness; that they abus'd the King's Authority to the Oppression of his loyal Subjects, and therein express'd great Cruelty, Tyranny, and Injustice; and in the Execution of this impious Performance, they shew'd neither Wit, Honesty, nor Temperance; nor were they either Servants of God or of the King (as they ought to be indeed) but of the Devil, being Enemies of God and of the King, and of every one living that was good; all which the said Dr. Bastwick declared he was ready to maintain.

Thus I have given a Sketch of Mr. *Craftsman's* Theology; of his Notions of Truth and Righteousness: These are his Patriots and Confessors, cruelly tortured for Conscience and Religion.

We may observe, that such Writings are no rational Efforts to raise a Spirit of Liberty, nor any Vindication of a Nation's Wrongs: They are not calculated to take in any, except the lowest of the People to spirit up a Mob to hunt down all the poor unarm'd Bishops, and to use 'em like Dr.

Lamb.

Lamb. Such Libels are so many Arms put into the Hands of the common People; it is letting that furious many-headed Beast loose upon the Constitution; and what can be more dreadful and shocking to Liberty, than to raise that ungovernable Spirit into a Mutiny, and into a Mutiny against one essential Branch of our *English* Constitution.

I have given the Reader a true and impartial Account of the cruel Tortures of the Court of *Star-Chamber*. The Confessors were *Leighton, Bastwick, Prynne* and *Burton*, they were stigmatis'd and cropp'd for Crimes, in all other Kingdoms People are hang'd for, and for which even in this Kingdom they might have been justly hang'd. And if their Cause was the Cause of the Civil War, it was a very glorious Quarrel to involve a Nation, blest'd before with all the Tranquillity Providence bestows upon his chosen People.

Let us now see, are we soften'd since into a Relaxation of these Tortures: Tho' the *King's-Bench* is not very forward to whip and crop Libellers of the second Class, were any Libellers to apply the above-mention'd Epithets upon the present Bench of Bishops; call 'em Miscreants, and flattering Dog-like Dragons (whether Bulldog Dragons or Spaniel Dragons) the Court would call to Memory the ancient Practice
of

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of Cropping and Flagellation too. And if any one was to level the Character of the Regnant Prince, the Court would hardly soften, so as to let such Clients pass without a Fate, as harsh, if not harsher than *Prynne's*, if Harshness it must be call'd by our very tender *Craftsman*, who is more tender of Knaves Ears than of Bishops Heads.

* Mr. *Payne* was convicted for only an Ironical Expression concerning the present Bench of Bishops, and Irony is so soft, so genteel a Way of Libelling, that in Proportion, putting one Crime against the others, *Leighton*, *Prynne*, *Bastwick* and *Burton* ought to have been hang'd, drawn, and quarter'd upon the Spot.

The Reader may observe, that when a Sett of Men have Liberty of Talking or Writing to blow up a Reign, how dangerous, how unjust, how wicked and cruel they are. When they are in Power themselves, they may hang and torture with *Nero*; but on the other Side of the Question, touch but an Ear, the whole Nation for unnumber'd Generations shall have it founded by every seditious Trumpet, and virulent Clamourer.

In God's Name, is *English* Liberty confin'd only to Republicans, Fanaticks and Rebels? Are not the landed Men of a Nation to Sport in this Sea of Liberty, I

* *Convicted for publishing the True Briton*

thought

thought Liberty was a common Water for all the Natives of *England*, and not to be ingrossed by one Part only. This I observe, that both Religion and Liberty, where they are most cried up, are seldom to be found.

This Argument I am upon, leads me into a Digression concerning Libels, it being very necessary to clear King *Charles's* Memory, and to instruct the present Age.

An absolute Liberty of the Press would be a Madness in any Government to allow. That would be like the Concession mention'd in the *Daily Courant*, Jan. 16. demanded from the Grand Seignior by the *Turkish* Rebels; that they shou'd have alway five Standards display'd, to recur to whensoever they pleas'd. I shall therefore distinguish what natural Rights a Man has to write, publish, or to speak his Thoughts.

As to the higher sort of Libels, I shall lay this down as a Maxim: *If it is lawful to call Princes to Account, and depose them by a natural Right, independent of any social Compact, it is lawful to write against them when those Rights take Place*; because Writing is a means for that End; but as I abhor and detest this Notion my self, it is out of my Question, and I shall leave to the Whigs to mumble it, who give and take away natural Rights, as they are in and out of Power themselves: To punish, they use social Rights; and to over-

E

turn,

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turn, they use the pretended Rights of a State of Nature.

But as to Libels of the doubtful Class, it requires the greatest Niceness to distinguish what Ministers of State, what Courts, and what Juries are to do upon such Occasions. A Man may have very wicked *Intentions*, and yet restrain himself with great Caution against Overt *Acts*. If he supports the Doctrine of Resistance, and points out the Prince as an Object to be resisted, this is certainly High Treason. If he asserts the General Doctrine of Resistance, and sets up Marks by which the Prince may be known as an Object of Resistance, it is no better. As for instance, *Algernon Sydney* wrote a Book in which he argued to prove, that the People might make themselves an Head to depose a Prince guilty of a Breach of Trust: By this dissolving Principle, he arm'd the People with his imaginary Authority to rebel; he then pointed out King *Charles* by this Criterion, that a King had no Power to dissolve Parliaments; as this notoriously pointed at the King's Dissolution of the *Oxford* Parliament, it was undoubtedly an Overt Act to give the People a Sett of Principles destructive to the Peace and Safety of the King. Therefore *Prynne* was certainly guilty of High-Treason, when he asserted the Lawfulness of killing Kings, who frequented Plays, when

when, by the whole Tenour of his Discourse, it is plain, he hinted at King *Charles*, who had Plays acted in his own Palaces: So that the *Craftsman* might as reasonably complain of the Tortures of the *Old Baily* every Sessions in this Age, as of the cruel Tortures of the *Star-Chamber* in the last.

Libels of the second Class, are those which point out the Errors of Princes and of their Ministers.

This may be done with a very ill View to the Peace and Quiet of a Kingdom in some Cases, and in others not: Malice is the essential Characteristick of a Libel, and if the Malice extends to the Prince himself, the Libel, if the Prince is a lawful one, is of the blackest Nature.

But there are some Cases in which a Man may have Rights to defend, and when those Rights are violated either by Prince directly, or immediately by his Ministers, we are impower'd to vindicate those Rights; for Liberty would be in vain bestow'd upon a Nation, if a Man must be strangled with Silence while they are taken away. This is indeed, I grant, the Spirit of Liberty; the Sound whereof we so often hear in the *Craftsman*.

How tenderly in such a Case a Prince may be treated, is in the Breast of a Man who is truly loyal upon Principle; but no Hypothesis, except downright Slavery, can

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protect Ministers, too often the common Plagues of Society, when they love themselves more than their Masters; these are the Men, who in their State of Corruption make the Courts of Princes barbarous, and against whom the Spirit of Liberty cannot rise high enough: These Men make the Liberty of the Press so essential a Benefit to Society, whenever the Rights of a Nation are notoriously invaded.

I cannot therefore call it a Libel for a Man to vindicate himself or his Property, for instance, if his Books are seiz'd, he may ask for 'em again, and assert their being inoffensive; we must distinguish between Malice, and Zeal for Justice.

It's every Man's Duty to come in against evil Ministers, as against a Fire, an Inundation, or an Invasion; a Prince is certainly injur'd, when betray'd into ill Measures, and these Libellers, as they are called, are his true Friends, who pull him by the Sleeve. Solemn Appeals to the People, in case of Injuries, are only so many vigorous Claims of Right; and every Journal is a Counsel pleading before a particular Tribunal, either at a Coffee-House, Market, or any private Club, for just and lawful Rights.

But can we apply this to *Bastwick*, *Prynne* and *Burton*? were there any generous Pleadings for Liberty, in their Works?

No,

No, they were level'd to overturn Rights; they were only malicious Appeals for Innovation, to a furious senseless, enthusiastick and illiterate Mob. They defended no Part of the Constitution, either in Church or State. The Spiritual State they struck at, and the King they vilify'd. These are the *Craftsman's* unear'd Patriots, convicted by Law, and by the Constitution as Criminals; and indeed, they need no Conviction but their Works; in this present Age they carry their Stigmata in every Line.

They who separate Liberty from the Laws and Constitutions of their Country, or use the Pretence thereof, in Opposition to those Laws and Constitutions, are the true Offspring of *Calvin's* Brood; their Religion and their Liberty are upon the same Foot, of which we have a Specimen after that glorious *Craftsmannical* Establishment of 48, when a Veil was drawn over Monarchy, Episcopacy, and Laws at once, and even Juries were banish'd from their pretended Courts of Justice.

To conclude, Libels are certainly a War against an Establishment, and are known by their Malice; but God forbid that Ministers should ever call in Books that plead for Righteousness and Justice, as Libels. *Tiberius* was the first who invented this way to punish Anticourtiers, of which *Tacitus* and *Seneca* give two remarkable Instances.

Cornelius

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Cornelius Cossus and *Asinius Agrippa* being Consuls, *Cremutius Cordus* was accus'd (*novo ac tum primum audito crimine*) of a new and unheard of Crime, that in his Annals by him publish'd, he had prais'd *Brutus*, and called *Cassius* the last of the Romans; his Accusers were *Satrius Secundus* and *Pinarius Natta*, *Sejanus's* Pimps. *Cremutius* sure of Death, upon observing the severe Contraction of *Tiberius's* Muscles, made his Defence; he brought the several Examples of *Titus Livius*, who, for praising *Pompey*, was call'd a *Pompeist*, by *Augustus*; that *Scipio Afranius* never applied the Terms of Thieves and Parricides to them, but mentions them as great Men; *Asinius Pollio* spake well of their Memory. *Messala Corvinus* call'd *Cassius* his General. Tho' *Cicero* rais'd up *Cato's* Character to the Heavens, *Cesar* only gravely refuted him. *Anthony's* Epistles, and *Brutus's* Speeches bore very hard upon *Augustus*, and the scurrilous Verses of *Bibaculus* and *Catullus* were at that time publickly read; yet *Julius* and *Augustus* endur'd all these Things (*haud facile dixerim moderatione majus an sapientia*) I will not, says he, determine, whether with more Moderation than Wisdom. He proceeds to tell us, the Greeks had no other Revenge for Writings, than Writing again.

This

This unhappy Man, as *Tacitus* informs us, went out of the Senate, and finish'd his Life by Abstinence; his Papers were by the Senate condemn'd to be burnt; tho' they were preserv'd and (1) hid up. Concerning this Accident (2) *Tacitus* proceeds. *What Scope have we to mock the Folly of those who would by Power extinguish the Lights of the succeeding Age; for Wit burnishes by Oppression, and all those Kings who have been accusom'd to this Cruelty, have procur'd only to themselves Shame, and to the Authors Glory. See Tacitus, Ann. Lib. 4 c. 35.* The Particulars of this Gentleman's Fate are to be seen in *Seneca de consolatione ad Marciam*; which *Marcia* was the Daughter to *Cremutius Cordus*. *Montaigne* relates this Affair, but is mistaken as to Fact. The Books were not actually burnt for (3) *Seneca* says, they were preserv'd, and put into publick Libraries. See the said *Epistle to Marcia, towards the beginning*. All this was done by the Care of the Daughter, who defended them from

(1) *Occultati & editi, say some; others will have it, occultati & abdit.*

(2) *Quo magis secordiam eorum irridere libet qui presenti potentia credunt extingui posse, etiam sequentis ævi memoriam, nam contra punitis ingeniis gliscit auctoritas, nec aliud externi reges aut qui eadem sævitia usi sunt nisi dedecus sibi atque illis gloriam peperere. Tacit Ann. lib. 4. c. 35.*

(3) *Restituisti in publica monumenta libros. Sen. ad Marciam.*
the

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the Sentence of the Senate, or at (4) least preserv'd Copies which were transmitted to Posterity ; neither *Tacitus*, *Suetonius* nor *Seneca*, say they were burnt. (5) *Caligula*, says *Suetonius*, was the first who permitted the Writings of *Titus Labienus*, *Cremutius Cordus* and *Cassius Severus*, prohibited before, to have a publick reading.

My next Relation is more remarkable still.

Titus Labienus, had his Writings seiz'd by the Senate ; a Fate so grievous to a Mind aspiring to Glory and tender of Honour, that he shut himself up in the Monuments of his Ancestors, and there perished with Hunger.

(6) *Seneca* has consecrated this unhappy Man's Memory to eternity, in an admirable Character

(4) *Dion Cassius* says they were burnt, and Copies were preserv'd.

(5) *Titi Labieni, Cordi Cremutii, Cassii Severi scripta, Senatus consultis abolita, requiri & esse in manibus, lectitarique permisit. Suetonius Cai. Calig. c. 16.*

(6) *Magnus Orator qui per multa impedimenta eluctatus ad famam ingenii, Contentibus magis hominibus, pervenerat quam volentibus, summa egestas erat summa infamia, summum odium, magna autem debet esse eloquentia quæ invitis placeat. Cum ingenia favor Hominum ostendat favor alat, quantam vim esse oportet, quæ inter obstantia erumpat, nemo erat quin cum Homini omnia objecerat ingenio multum tribueret, color orationis Antiquæ vigor novæ ; cultus inter nostrum vel prius seculum medius, ut illum posset utraq; pars sibi vindicare, libertas tanta ut libertatis nomen excederet, & quia passim ordines hominesque laniabat Rabienus vocaretur, animus per vitia ingens & ad similitudinem ingenii sui violentus, & qui*

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Character, of which I cannot defraud the Reader.

‘ A great Orator, who, after striving
‘ with many Impediments, rather forc’d
‘ than pav’d his way to Fame by the Con-
‘ fession of Men, against their Wills; his
‘ extream Poverty was his Infamy; and pro-
‘ cur’d the highest Hatred from the World.
‘ For certainly he must have great A-
‘ bilities which cou’d make his Way against
‘ Prejudice itself. When Partiality and Pa-
‘ tronage push out their Sons, how great
‘ must his native and unassisted Force be,
‘ to break through all Obstacles, and oblige
‘ his greatest Enemies to confess his Sting:
‘ He had the Beauty of the Antients, and
‘ the Vigor of the present Age; so that
‘ he may be said to claim both to him-
‘ self; he took such Liberties as were more
‘ than Liberties, and, as he spar’d no Rank
‘ of Human Race, he was called *Labienus*,
‘ so peculiar was his Talent of biting
‘ all Mankind; his Mind, like his Stile,
‘ violent and magnanimous to a Fault,
‘ could not lay aside the *Pompeian* Animosi-
‘ ty, even when the Sword was sheath’d:
‘ For him his Enemies found out a new
‘ Punishment, to destroy his Books; a new

qui Pompeianos spiritus nondum in tanta pace posuisset; in
hunc primum excogitata est nova Poena; effectum enim est
per inimicos ut omnes ejus libri incenderentur, res nova &
insueta, supplicia de studiis sumi. *Senec. Controv. Lib. 5. Praef.*

F

‘ and

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and unheard of Punishment to destroy
Mens Studies.

(7) *Pierre Coste* in his Notes upon *Montaigne*, observes, if destroying Books was not a *Pagan Taste*, it was become a very Christian one; it being a common Custom in these Days, to burn Books at *Rome, France and England.*

To conclude, when Persons publish real Libels, these Libels ought, in my Opinion, to be convicted by Law, and burnt by a legal Judgment. But in *Cremutius Cordus* his Case, *Seneca* tells us, there were Marks of Spite. *Sejanus* was offended at two very free Expressions; and as Ministers of State in past Ages were slow to forgive, he made Use of the servile Temper of the Senate to procure a Sentence, * *Maroboduus* King of the *Marcomanni* would have scorn'd.

For my part, if I was a Minister of State, and was provok'd to seize an Author's Books out of meer Spite; I would sooner put my Hand amongst a Nest of Serpents, or naked rob an affectionate Bear of her Cubs, or tear the Sucking Lyon from it's Mother's Breast. And if my precipitate Want of Sense should drive me to an Action so

(7) Cette espece de punition ete fort gout des Chrestiens, & encore aujourd'hui l'on brûle des livres a Rome, en France, en Angleterre, *Pierre Coste* Notes upon *Montaigne's Essay on the Love of Fathers towards their Children.*

* A Barbarian King mention'd by Tacitus.

void

void of Wit; I should dread the Carcase of the Author walking the Streets, as guilty Consciences fear the Ghosts of those they have rob'd and murder'd.

Of all Enjoyments of Human Life, and of all Passions, *Parnassian* Glory is the strongest and most violent; I would sooner enrage the greatest Potentate in *Europe*, than a starving Author. Tho' *Sejanus* was doubly fortunate in being fully reveng'd of his Enemies, both as to Life and Fortune at one Blow.

For my part, I cannot read *Lobienus's* Character without a Tear; I have a very strong sympathetick Notion of the Struggles for Honour in his Breast, of the Grief for Disappointment; to have all he had been building up in his Youth, and the Fruits of his maturer Judgment, swept away by one State Whirlwind.

However, *Bastwick*, *Prynne* and *Burton*, can come in no Competition with these great Men. Their mean Scurrilities were adapted to the lowest Class of a very low Age; they would not pass, even now, with Porters; and if any thing gives even the Mention of their Books Immortality, it is the Pillory.

It is really very merry to see the politest † Man of the Age defend *Bastwick*, *Prynne* and *Burton*; the Ridicule of that in which they liv'd, to all Persons of Sense.

† *Lord B* ——— *ke.*

I hope, by this time, the Cause of these three or four Men cannot be the Cause of a whole Nation; and as to the other pretended Rigors and Abuses of the Court of *Star-Chamber*, the Reader will permit me to speak a few Words.

I shall begin with an Information in the *Star-Chamber*, against some Members of the House of Commons; it seems, at the first View, very harsh to dissolve a Parliament, and to prosecute some of the Members in the Court of *Star-Chamber*, when the rest were dispersed; it look'd very much like the Trick of *Snowden Forest*, mention'd in the *Occasional Historian*, Num. II. p. 56. when Queen *Elizabeth* perswaded the Commonalty to go Home and cast the Gentlemen into Prison; and whether they were *Star-Chamber'd* or no, I have not just now time to examine.

Yet when we consider more nearly the Nature of their Crimes, we shall find a very different Turn.

I have heard it said, that *summum jus est summa injuria*, I will freely and impartially grant, that when a Parliament is debating about real Grievances, by which, I mean, new and unaccustom'd Invasions upon the People; tho' the King has a Power of proroguing and dissolving Parliaments, it is a great and crying Injury against Compact, against Justice and Right, and, that it is an

an open Defiance to the Faith of a King, and to the solemnest Ties of Honour; and it is the most dangerous Precedent that can threaten a Nation with Ruin; yet if it is done, no Laws of the Kingdom can undo it; and, by the Laws and Constitution of *England*, all these pretended Violations are to be judg'd.

But this, even this, was not the Case; the King had all the reasonable and just Motives to dissolve that Parliament a King could possibly have.

The first Thing they went upon was a Blot, a Blot of no small Consequence to the Liberty of the Nation; which was concerning a Command sent to the Sheriff not to execute a Replevin for Goods seiz'd belonging to one *Rolls*, a Member of that House.

The Command, in these Times, since Liberty has been establish'd, explain'd upon and confirm'd by the *Stuarts*, would seem very arbitrary. It's my unalterable Opinion, no Goods are *ipso facto* condemn'd. That every Subject has a Right to replevin Books, when seiz'd by any Warrant, even by the Privy Council.

But Tonnage and Poundage were then made so strictly the Debates of the House, that tho' the King had some very strong Grounds to claim them as his Prerogative; yet for Peace sake, he was willing to relinquish

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quish those Pretensions; to cast Balm upon all their Inflammations, and to exchange his hereditary Pretensions for an Act of the People; in the mean time, this Method of replevining was insisted upon to rancle the Wounds, and to break off all Terms of Accommodation upon that unhappy Affair: He made the most healing Speech to the House: He declar'd that he renounc'd any Right founded upon Custom; that he would condescend to take it as a free Parliamentary Gift from his People.

The *Demagogues* found this healing Expedient would spoil their rough Game; they fell off therefrom and voted away the Accommodation, and resolv'd to begin first with religious Grievances; these Religious Grievances consisted of two main Points. 1st, *Arminianism*, i. e. they appointed a secret Committee to report the Counsels of the most High; and to make God eternally damn all those who had got into Places of Profit before 'em: The 2d was, to make the King's Reign odious, by putting in Execution the sanguinary *Elizabethan* Laws, which the Necessity only of her Reign could justify.

These were their mild Practices to disturb the Felicity of that Reign, for in the common Happiness they were resolv'd to have no Share: This puts me in mind of *The Tempest*, when it is acted on the Theatre;

tre; there are Storms, Thunder and Lightning, Shipwrecks, and aking Hearts on the Stage, while all the Streets and Neighbours are in a perfect Tranquillity round about; so these pretended Patriots clamour'd in the Senate, and shook St. *Stephen's* Walls with Alarms, when all was quiet, except their own unsettled Tempers within Doors.

After many Bear-Garden Speeches about Religion, they refus'd to proceed upon the Accommodation, and went on with very high Airs misbecoming that Assembly, and the Intent of their meeting together: They voted Predestination, they called for Persecution, and shedding human Blood, because they knew the King hated Cruelty; and at last, in relation to Mr. *Rolls's* Case, they came to a temerarious Resolve, that Members of the House were privileged, as to their Persons and Goods; by which means they had nothing else to do, but to go into the Country and run Brandy.

This was such a bold Attack upon the Constitution, that worse could not be expected from Rebels in Arms; what Lawyer before ever heard, that Members of Parliament were exempt from Taxes and Duties; and that neither King nor any private Creditor could come at their Goods in any Case? If Mr. *Craftsman*, with all his Law, can defend this, I will give up the Question for ever.

In

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In this Temper was the House full of seditious Speeches, Malice, and Spite; when the King, despairing of any Good from such rebellious Counsels, adjourn'd the House to the 2d of *March*; on that Day the House met; and when they were putting a seditious Question to the Speaker, he told them, he was commanded by the King to adjourn till *March* 10. and to put no Question: And endeavouring to go out of the Chair, the Riot follow'd, upon which the Information in the *Star-Chamber* commenc'd. This Information is to be seen in *Rushworth*, Vol. I. p. 15. Car. 1628. p. 675. The Substance whereof is, that Sir *John Elliot*, Knt. did, before the 21st of *February* last, openly and publickly declare in the said House of Commons, *That his Majesty's Privy Council, all the Judges, and Council learned had conspired together, to trample under their Feet, the Liberties of the said Subjects of this Realm, and the Privileges of that House.* It proceeds farther, that on the second Day, when the King, by the Speaker, order'd the House to adjourn to the 10th of *March*. ' Sir *John Elliot*, in high
' Contempt of the King's Command, and
' on set Purpose, did oppose his Majesty's
' Command, did stand up, and several
' times offered to speak; whereupon the
' said Speaker, in Obedience to his Majesty's
' Command, endeavouring to have gone
out

out of the Chair, the said *Denzil Holles* and *Benjamin Valentine*, being then next the Speaker's Chair, and one of them on the one Hand, and the other of them on the other Hand of the Speaker, where they so placed themselves of Purpose on that Day, out of their Disobedience to his Majesty, and, by the Confederacy and Agreement aforesaid, violently, forcibly, and unlawfully, and with Purpose to raise a Tumult in the said House, kept, and held the said Speaker in the said Chair, against his Will; and the said Speaker again endeavouring to leave the Chair, and having then gotten out of the Chair, they, the said *Denzil Holles* and *Benjamin Valentine* laid violent Hands upon the said Speaker, forcibly and unlawfully, and by strong Hands, thrust him into his Chair again; then Sir *John Elliot* stood up, and threw down a Paper into the Floor of the said House, to be read; and the said *Denzil Holles*, *Benjamin Valentine* with others, called out to have it read; and they proceeded to beat and strike those who oppos'd the reading of the said Paper; particularly *William Coriton* struck *Winterton* Gent. being then a Member of the said House. Divers of the Members being desirous of going out of the said House, Sir *Miles Hobert* did, of his own Head, lock the Door of the said House,

‘ and kept the Key thereof, and imprisoned
 ‘ the Members of the said House, being then
 ‘ in the said House, against their Wills, so
 ‘ that none of them could go out; *Stroud*
 ‘ and Sir *Peter Hayman* endeavour’d by
 ‘ terror to compel the said Speaker to
 ‘ read the said Paper; and when, by no
 ‘ Means, they could prevail upon the Speaker
 ‘ to read it, *John Selden* mov’d, that the
 ‘ Clerk of the said House might read the
 ‘ same. And when they could not procure
 ‘ the Paper to be read, Sir *John Elliot* made
 ‘ a seditious Speech against the whole Go-
 ‘ vernment and Conduct of the King. ’ And
 ‘ thus they proceeded to Act, as a House,
 ‘ making Protestations, and putting Things
 ‘ to the Question, like their Great Grand-
 ‘ Children, the Rump afterwards. ‘ When
 ‘ *Edward Grimston*, the Serjeant at Arms
 ‘ was sent for, by the King, the said Con-
 ‘ federates forcibly, and unlawfully kept the
 ‘ said *Edward Grimston* lock’d up in the
 ‘ said House; and when *James Maxwell*,
 ‘ Esq; Gentleman Usher of the Black Rod,
 ‘ was sent from the King to the Commons
 ‘ House with a Message immediately from
 ‘ the King’s own Person, they refus’d to
 ‘ open the Door of the said House.

These violent Proceedings were only the
 Occasions of this Information; I appeal to
 the impartial and unprejudic’d Reader, if
 here

here were not a Complication of Crimes and Violences offered to the Constitution.

In the 1st Place, the undoubted Prerogative of the King to adjourn the House of Commons, was suspended by one Estate alone.

2^{dly}, Here was a State of Violence in the whole Proceeding, inconsistent with any Part of a legislative, sober and free Body.

3^{dly}, The Assault upon the Speaker, was a barbarous Insult upon the Dignity of the Chair and of the House.

4^{thly}, That as soon as Violence began, that Assembly ceas'd to be free.

From hence I conclude, that Sir *John Elliot* as an Accessary in that Tumult, if he could not be called to Account for his seditious Words in Parliament, he was justly punishable for all he did in that riotous Assembly, when it was no House, and that no Privilege of Parliament could be pretended in his Case.

I find him proceeded against afterwards by Way of Information, in the *King's-Bench*, the *Star-Chamber* being over-aw'd by the pretended Greatness of the Court of Parliament at that time; and he, with his Confederates, had their several Portions of Fines, and Imprisonments assign'd to them, according to their Deserts, for the most scandalous Insults upon the Liberty of the Sub-

ject, as ever were known by such a Body Corporate in a Riot.

I find a heavy Complaint about *Chambers*, a Merchant in *London*; the Gentleman was of a very pragmatistical Spirit, and wanted to stand Tryals with the King, about those Rights, even Parliaments had declar'd belong'd to the Kings of *England*, Time out of Mind: His Zeal boil'd over so far as to say, the *Turkish* Government was more easy, in Respect of Trade, than our own. These Words were utter'd at the Council Table, and therefore were the more impudent: He was fin'd 2000 *l.* for his Offence, in the Court of *Star-Chamber*. The Parliament in 1640 voted full Satisfaction to their own Members, concern'd in the Riot; ordering 5000 *l.* to each: As to *Chambers*, tho' he stood firm, and refus'd even to acknowledge his Offence; and petition'd the long Parliament, and urg'd his Merit in heading a Troop of Horse against the King, at *Brentford*; he died neglected, and in Want. See *Whitelock and Rushworth*.

Walter Long was one of those Rioters we mention'd lately in the House of Commons; he was prosecuted in the Court of *Star-Chamber*, for deserting his Post as Sheriff of *Wiltshire*, and causing himself to be chosen Member of the House of Commons; and deserting that Charge, he was oblig'd by his Oath, to reside upon concerning a legal
Conviction;

Conviction; of this Nature we have no need to say much. It was really odd, for a Man oblig'd to keep the Peace in his own Neighbourhood, to wander for a Riot to *St. Stephen's Chappel*.

The other Prosecution was in the Year 1632. of one *Sherfield*, Recorder of *Sarum*. This zealous Gentleman was guilty of one Outrage, that had a Mixture of Madness, Sacrilege and Folly. We have the Account in *Heylin's* Life of Archbishop *Laud*, and there it is full enough for our Purpose. In the Parish Church of *St. Edmund's*, in one of the Windows, was express'd the Story of the Creation, in which was a Representation of God the Father, in the Shape of an old Man; tho' not worship'd, in all Probability, under that Form ever since the Reformation.

It was a great Eye-sore to him, for tho' the Bishop (*Davenant* by Name) was a zealous Man against the *Papists*; yet he had not hit this Blot; but *Sherfield*, who, I suppose, had no strong Notions of Episcopacy, went another Way to Work, and brought an Order from the Parish Vestry, to have it taken down, and to have another of plain Glass put into the Room thereof. The testy Gentleman carried on the Quarrel against the painted Glass; tho' it was neither a molten, nor graven Image, and no Tool had been lifted up to form it; he furiously broke

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broke down all the Pictures with a Staff; an Action of so much Indecency and Presumption, in a Christian Country, as highly deserv'd the *Star-Chamber*, for he was guilty of several Misdemeanours in that Affair; it was an Affront to the *Diocesan* under his very Nose; and, as *Heylin* says, his erecting a new Church Eldership was sufficient alone to ground an Information in that Court, especially in an Age so very dangerous, when Zelotism was a new Fire kindling up in our Kingdom; and how far this Precedent influenc'd other Church Windows, *Canterbury Cathedral*, and many more can witness.

Sherfield's Sentence was, to pay a Thousand Pounds to the King, to be depriv'd of his Recordership, and to make a Publick Acknowledgment of his Offence in the Church, where the Sacrilegious Fact was committed. Concerning this Affair, see *Heylin*, p. 228.

We need make no farther Reflections upon a Proceeding, more fit for a rude, and enthusiastick Mob, than for a Recorder of a Corporation, who ought to know the Laws and his Station better.

Another Client to this Court, was one *Boyer*. *Heylin* says, p. 265, That he had before broke Prison, to which he had been committed for Felony. He grossly abus'd the Archbishop to his Face, and accus'd him
of

of no less than High-Treason. This Man was a very fit Prosecutor of an Archbishop; he was censur'd by the Court, as the Crime deserv'd.

I have given the Reader an Account of all the horrid Tortures of the *Star-Chamber*, except *Williams* Bishop of *Lincoln*, and afterwards of *York*; he was so pragmatical, malicious, and ambitious, that few or none pitied him. This Man afterwards was in Arms against the King, and took a Castle from him, and *Laud* knew his Temper so well, that he took particular Care to humble him.

To sum up all that has been said, if *Leighton*, *Bastwick*, *Prynne* and *Burton's* Libels; if *Sir John Elliot* and *Walter Long's* Riots in the House of Commons; and *Sherfield's* Sacrilege, and *Boyer's* Impudence, are all national Quarrels, and sufficient Grounds for abolishing the Court of *Star-Chamber*, and making the King a Tyrant, *King's-Bench* and *Old-Baily* look to yourselves; a Committee of Highwaymen will, undoubtedly in Power, vote down your Powers, resolve every Execution to be a barbarous and illegal Insult upon the Liberty of the Subject. I observe, only Criminals, who deserv'd the *Star-Chamber* or worse, voted for its Dissolution.

I grant, in the Hands of a Tyrant, it was a very dangerous Court: In *Queen Elizabeth's*

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zabeth's Reign, whose Cruelties we bury in the softest Silence, it was a terrible and most oppressive one.

I have before, in the *Occasional Historian*, p. 14. Numb. II. given an Account of the Tryal of the Earl of *Hertford*, who, as I said, was grievously fin'd and imprison'd nine Years, for *ravishing his own Wife, and getting her with Child*. This was a very envious Trick of a Maiden Queen, in her young Days, and more became her advanc'd Age; this was in the Fifth Year of her Reign, aged 30 Years. See *Cam. an.* 1562. p. 68. *Edit. Eliz.* *Hertford* was accus'd of a threefold Crime; that he had deflour'd a Virgin of the Blood Royal in the Queen's House; that he had broken Prison; that he had ravish'd her the second Time.

As to the deflouring a Virgin, I observe, all the Mothers in *England* have been so, or worse deflour'd.

As to the making the Court a Baudy-House, some nice Criticks will hardly excuse the Chappel from Violations of that Nature.

As to his breaking Prison, he denied not that he had pass'd thro' the Doors of the Prison, standing to comfort her, who mourned for the Sentence pronounc'd, and had payed his Marriage Debt. Whereupon he was for every Crime fin'd at 5000 *l.* and kept in Prison the space of Nine Years.

I have

I have here Scope enough to complain of the Cruelty and Injustice of this Sentence against all the Laws of God and Man, and, as *Augustus* said, he had rather be *Herod's* Swine than his Son, I would rather, if a Woman, be Queen *Elizabeth's* Sow than her Female Relation within four Degrees, especially if I was handsome.

Davison's Trial was another Instance of Partiality: He was Secretary of State, and when tamper'd with by the Queen, he could not be persuaded to assassinate the Queen of *Scots*, otherwise than in a publick Manner. He knew very well the Temper of that Lady, who would, after it was done, save her Reputation at the Expence of his and Sir *Amy Paulet's* Necks. To be revenged on *Davison*, and to shift off the Affair upon her Servant, she brought him to his Trial at the Court of *Star-Chamber*.

The Charge against him was, That in Contempt of the Queen, whereas she had a mind to spare the Queen of *Scots*, he had impos'd upon the Council, and procur'd the Warrant to be sent down without her Knowledge and Consent for the Execution.

It was easy to see thro' this Mask; *Davison* knew more than he dare speak: While they were baiting the unhappy Wretch drench'd in a Sovereign's Blood, he with Tears pray'd the Queen's learned Council,
H they

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they would not urge the Matter any farther, but remember he would not contest with the Queen, to whose CONSCIENCE and the Commissioners Censure he wholly submitted himself; see *Camb. An.* 1587. p. 534. In his Apology the whole Truth came out, that she sign'd the Warrant merrily; that he apprehended a Trick to be put upon him, as she had serv'd *Burleigh* before in relation to the Duke of *Norfolk*; that he consulted with the Ministers for his own Safety, and they concluded to accelerate this bloody Work.

However, this wise and prudent Court, who took their Measures from the Prince, found him guilty, and he was fin'd, imprison'd and ruin'd; and the Means he took to preserve himself, prov'd fatal to him.

I conclude, that the *Star-Chamber* took all its Measures of acting from the Humour and Inclination of the Court; and if any thing made it terrible, it was this one Circumstance, that the Judges were Juries likewise. I am not sorry it is abolish'd. My Thesis to maintain, is that in King *Charles* the first's Reign, who was a good Prince, it was a good Court; and that in Queen *Elizabeth*'s Vindictive Reign it went beyond the Bounds *Mr. Craftsman* himself would set up for Liberty and Property, nay they even broke through his Golden Rule, for which he makes Queen *Elizabeth*

so renowned, *viz.* Liberty of Conscience. *Camden* tells us, the Sectaries of those Times were tried and convicted by the Court of *Star-Chamber* for publishing Libels against Episcopacy, as *Martin Mar Prelate*, and *Crompton* if I remember right, in his Jurisdiction of Courts instances that Sentence to prove the Power of the *Star-Chamber* over Libellers; so that they were not establish'd in any new Power by King *Charles*. *Rushworth* confesses they were an ancient and very honourable Court, both upon the account of that Antiquity, and of the noble Persons who constituted it being of the greatest Rank of any in the Realm; he only adds, that when they condescended to corporal Punishments they lost their Grandeur; a Notion peculiar to himself; because Corporal Punishments are in the *King's-Bench*, where the King himself is suppos'd to be present; and let me add, they are likewise in the House of Lords, who, if they pleas'd, might have slit Dr. *Sacheverel's* Nose, as well as suspend him; though Instances of that nature with them are not so frequently found.

However, King *Charles's* implacable Enemies us'd him ill all manner of Ways; some betray'd him with a Kiss, and others revil'd him openly: If he had been King of the *Hottentots*, he would have been us'd

with more Humanity, Tenderness and Gratitude.

I cannot therefore forgive my Lord *Clarendon*'s unjust Censure of that Court; he said Things he knew were not Facts, in order to lead his Reader into a favourable Opinion of his own Conduct, who convers'd and held the strictest Friendship with that Incendiary *Holles*. His Words are:

For the better Support of these extraordinary Ways, and to protect the Agents and Instruments who must be employ'd in them, and to discountenance and suppress all bold Enquiries and Opposers; the Council-Table and Star-Chamber enlarged their Jurisdictions; and being the same Persons in several Rooms, grew both Courts of Law to determine Right, and Courts of Revenue to bring Money into the Treasury; the Council-Table by Proclamations enjoining to the People what was not enjoin'd by the Law, and prohibiting that which was not prohibited; and the Star-Chamber censuring the Breach and Disobedience to those Proclamations by very great Fines and Imprisonment. Lord Clar. Vol. I. Book 1. p. 53, 54.

This Lord is very severe in his Censures, and as defective in his Proofs. The *Star-Chamber* did not go hand in hand with the *Council-Table* in all Cases; *Chambers* was something particular; he was prosecuted
for

for seditious Words spoke before the Council an awful Assembly, where the King is always suppos'd to reside in Person; and if it is criminal to call even a Justice of Peace Names in the Execution of his Office, how criminal must it be to reproach a King to his Face.

As to all the other Commitments for not paying the Loan, Tonnage and Poudage or Ship-money: They were by the Lords in Council, and in the *Exchequer*, and the Court of *Star-Chamber* was as free therefrom, as the Court of *Common-Pleas* is from what is done at the Court of *King's-Bench*; and therefore the Lord *Clarendon* has driven on furiously here, to lessen the Memory of that excellent Prince, whom we may see through all his History he never loved.

'Tis very strange *Rushworth*, in the first Volume of his Collections should give no Instances of this nature, nor the Parliament itself, in all their Remonstrances and Petitions, say not a word in that Interval, when there was the greatest room and the largest Scope for such a Charge.

I find indeed 8 Car. an Information in the Court of *Star-Chamber* against *John Overman* and fifteen other Soap-makers, charging them with several Offences contrary to divers Letters Patents and Proclamations

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clamations touching the making and uttering Soap. *See* Rush. 8 Car. p. 165.

We must consider, this was a Point within their Jurisdiction, because the King had a Prerogative to grant Letters Patents for making or exercising any Mechanical Art, though not to vend merchandisable Commodities, as was adjudg'd in the Case of *Darcy and Allen*, 44 *Eliz.* a famous Case, in which the whole Affair of Monopolies is set in a true Light, *see* Coke Rep. 11. We may see the Sentence of the *Star-Chamber*, concerning *Overman* Aug. 23. 1633. 9 Car. in *Rushworth*, by which it plainly appears the King acted within the Sphere of his Prerogative, and the Court within the Bounds of their Power; and therefore they are free from the Lord *Clarendon's* Charge.

We find another Case in the same Year of Sir *David Fowlis*, concerning the Commission for compounding for the Honour of Knighthood; I believe very few Lawyers will dispute the Legality of this Commission, because it was founded upon very ancient Custom, and did not owe its Authority purely to a Proclamation.

Sir *David Fowlis* utter'd such daring and extravagant Words against the Commission and the whole Proceedings thereupon, as no Court of Justice in any Government or any Times would tolerate:
Some

Some Words were almost as heavy as Treason. He said :

‘ The *Yorkshire* Gentlemen had been in
‘ time past accounted and held stout-spirit-
‘ ed Men, and would have stood for their
‘ Rights and Liberties, and wont to be the
‘ worthiest of all other Shires in the King-
‘ dom.

He moreover proceeded in such Heats against the Commission and against the Lord *Wentworth*, that the Court could do no less than fine him, not for refusing Payment, but for exceeding all the Bounds of Modesty in that Affair.

I have run over all the necessary Precedents I can find of that Court ; and cannot help concluding my Lord *Clarendon*’s Assertion is absolutely false, That they back’d with Prosecutions the Proclamation of the Privy Council, in order to extort Money from the Subject by Fines.

I conclude therefore, the particular Clamour against the *Star-Chamber* from the factious Demagogues of that rebellious Age, were artificial Fireworks to glare and dazzle the People’s Eyes, till the Rope of Oppression was brought round their Waists, and *Oliver Cromwell* dragg’d the Genius of *England* through all the Horse-ponds he could find.

I conclude moreover, that there were no Cruelties, no Oppressions particular to the
Reign

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Reign of King *Charles* ; that they punish'd only what all Courts do punish in all Societies now subsisting in the World.

Therefore, as Mr. *Craftsman* so frequently inculcates the Constitution, it remains that I say something concerning the Antiquity of this Court, and to prove, that it was as ancient as any Court we have now in being.

They are the same as the Privy Council, only, as my Lord *Clarendon* observes, they act in different Rooms ; at what time they first went out from the Privy Council and acted in distinct Rooms, we cannot exactly tell. *Coke* tells us in his *Jurisdiction of Courts*, that in 28 *Ed. III.* it appears that the Returns *coram nobis* were in three manners ; 1. *Coram nobis in Camera* ; 2. *Coram nobis ubicunque fuerimus in Anglia* ; 3. *Coram nobis in Cancellaria*. This *Camera* he supposes was the *Star-Chamber*, and indeed his Conjecture is fully confirm'd ; 41 *Ed. III.* a Bill of Complaint was exhibited to the King by *Elizabeth* the Widow of *Nicholas Awdley*, against *Jane Awdley* Defendant, who appear'd before the King's Council *en la Chambre des Etoiles pres des Receits*, in the Chamber of the Stars near the Receipts.

This Court was more particularly explain'd upon 3 *Hen. VII.* in which it is ordain'd, ' That the Chancellor and Treasurer

‘ rer of *England*, and the Keeper of the
‘ King’s Privy Seal, or two of them, calling
‘ to them a Bishop, and a temporal Lord
‘ of the King’s most Honourable Privy
‘ Council, and the two Chief Justices of
‘ the *King’s-Bench*, and *Common-Pleas* for
‘ the time being, or other two Justices in
‘ their Absence; upon Bill or Information
‘ put to the said Lord Chancellor, or any
‘ other, against any Person for unlawful
‘ Maintenance, giving of Liveries, Signs
‘ and Tokens, and Retainers by Indentures,
‘ Promises, Oaths, Writings, or otherwise,
‘ Imbraceries of his Subjects; untrue De-
‘ meaning of Sheriffs, in making of Pan-
‘ nels, and other untrue Returns, by ta-
‘ king of Money by Injuries, by great Ri-
‘ ots, and by unlawful Assemblies; have
‘ Authority to call before them by Writ,
‘ or Privy Seal, the said Misdooers; and they,
‘ or other, by their Discretion, by whom
‘ the Truth may be known, to examine,
‘ and such as they find therein defective,
‘ to punish them after their Demerits, after
‘ the Form and Effect of Statutes thereof,
‘ made in like Manner and Form as they
‘ should, or ought to be punish’d, if they
‘ were thereof convicted after the due Or-
‘ der of Law.

This has added to their ancient Establish-
ment, the highest Sanction of the Legisla-
ture.

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I must confess, this Court in some measure was prejudicial to *Magna Charta*, and to several Rights of the Subjects; yet, as it was the Constitution, and confirm'd by Acts of Parliament, it was no more prejudicial to the Rights of the Subjects, than the Commission established by Parliament, by which the Queen of *Scots* was tried.

I observe it, this Court proceeded from the Privy Council, its Powers were originally in that Privy Council.

As all the ancient Writs of summoning Peers who first compos'd our *English* Parliaments, are lost, we cannot so well distinguish a Parliament, as some call those antient Councils from the *Privatum Concilium*, or Privy Council; we have the Word Parliament mentioned in the Year Books 21 *Ed. III. Fol. 60.* as held in the Reign of *William* the Conqueror; but then, as Sir *Henry Spelman*, in his Glossary upon the Word Parliament, observes, that every little Congress was called so, and that the Monks of *Croyland* called a Parliament, which is a *French* Word, and never was known in the *Saxon* Times, we are not the nearer; and we are more puzzled still, when we find from Sir *Walter Raleigh*, as Sir *Harry* quotes him, that *Henry I.* in the 17th Year of his Reign, only by the Advice of his Privy Council, impos'd a
Tax

Tax upon every Hyde of Land, to marry his Daughter; and as this *Henry* was the Son of the Conqueror, it's a strong Instance that the Council had very great Power in those very early Times.

How far the Conqueror follow'd the *Saxon* Model, and how much he intermix'd the *Norman*, is very hard to know; that he introduc'd Barons, and so alter'd the Stile of our Laws, has been sufficiently prov'd: Tho' it is to be observ'd, that the *Normans* and *Saxons* at first were Brethren, and came all out of one Nest; from the *Marcomanni*, whom *Tacitus* mentions, and to them and their Customs we must refer our selves, if we would draw our Knowledge from Originals.

However, this is certain, that if *William* the Conqueror divided the Lands of *England* amongst his Barons, and they only, with the Bishops, were called to Parliament, in his Time, we must date the Original of our *English* Parliaments from that begining.

It's to very little Purpose to tell us of *Saxon Wittengamotes*; for, as *William* the Conqueror intirely form'd a new Parliament with *Normans* of a new Creation, distinguished by the Name of Barons from that Institution, we must date our *English* Constitution at the farthest. The Year Book, 21 *Ed. III. Fol. 60.* mentions a Parliament being held, in which it was decreed by the
I 2 King

King and his Bishops, and his Barons; that a Penalty should be inflicted upon the Bishop of *Norwich*, if he violated the Rights of the Abbey of *St. Edmundsbury*. We hear nothing of Knights Burgeses, till the Reign of *Henry III.* Therefore allowing Parliaments their utmost Scope of Antiquity, they have for their Parent *William* the Conqueror; and, as we find his Son acting by his Privy Council, independent of Parliaments, it's more than probable, that Privy Councils are the elder Brothers to Parliaments, and, for ought we know the *Sapientium Concilium*, so often mention'd in the Preambles to the Laws of our *Saxon* Kings, were the Privy Council only; tho' the warm Fancies of Men have rais'd them into Lords and Commons; whereas I can give undeniable Proof, that when the Conqueror came into *England*, he called a Council about him, to consult, concerning the Ratification of the *Saxon* Laws; which Council was no more a Parliament than the four Troops of Guards are a Parliament, when they meet to be review'd in *Hyde-Park*.

I am very apt to think, and I believe can produce Reason, if I had room, that *Henry III.* was the first Prince who summon'd the Commons together; and if we even grant, that *William* the Conqueror summon'd Knights Burgeses, the Argument will

will still remain, that Parliaments, and all the Authority by which they anciently did act, was from the pure Creation of *William the Conqueror*.

Sir Edward Coke labours hard for this Antiquity, and to carry it farther; but in what Manner does he labour? Why he trumps up an Imposture, like *Mr. Whiston's* Apostolick Constitutions. He calls it *Modus tenendi Parliamentum*, it's certainly very old, and has been prov'd a Sham by *Selden* and *Prynne*: The latter, who expiated his Crimes lately mention'd, by sincere Repentance, has given us Marks enough to point out this Imposture to us. The MSS I have seen, and a very ancient one it is in Vellum. This is supposed to be in the *Saxon* Method of holding Parliaments, assum'd by *William the Conqueror*, and made a standing Law for *England* first, and for *Ireland* afterwards; nay, and that this Book was rehearsed and declared before *William the Conqueror*, at the Time of his Conquest, and by him approv'd for *England*; and accordingly the Conqueror, according to *Modus*, held a Parliament for *England*; and for this, he gravely quotes the Year Books 21 *Ed. III. Fol. 60.* I am very sorry for the Memory of this great Man, because the Place quoted, has not one Word of the Matter, concerning such a Book, nor any *Modus*. See *Coke's Instit. p. 4.* All that the

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the Year Books say, I have given the Reader before. In this *Modus tenendi*, Knights are suppos'd to be call'd, and in the Quotation, Bishops and Barons only are mention'd.

Rejecting therefore these spurious Authorities, I conclude, that Parliaments were neither Antecedent to, nor Coeval with Kings, as to their Original, and that, in all Probability, the Privy Council was before 'em.

How the Parliament came to strike up their elder Brother's Heels, and vote the *Star-Chamber* down, is an Affair fortified enough by Precedents in our Age.

I am now drawing to another Argument, the Measures taken to vote the *Star-Chamber* down, after they had given it a very ill Name, and this Argument is very necessary to insist upon, because Mr. *Craftsman* boasts very much of having the Constitution on his Side.

Why then by Law, and by the Constitution, let us be judg'd. I desire a clear Stage and no Favour. I know I shall advance a Topick intirely new, and yet I can defend it by our Laws and Constitution, and by them I will stand or fall.

I shall not enter into the Depth of the *Scotch* Quarrel, concerning the Common-Prayer-Book; the Consequences were, the King was to all Intents and Purposes actually depos'd by that rebellious Nation; they assum'd all the Regality into their own Hands;

Hands; rais'd an Army, and advanc'd to the Frontiers of *England*.

The King march'd against them, with a Gallant Army, sufficient to go thro' and thro' the Country.

In that Extremity, they recurr'd to their wheedling Arts, to divert a Storm over their Heads, and the Compassionate King agreed to their Pacification, by the Articles of which, if perform'd, he was to gain nothing; and being not perform'd on their Parts, he lost all.

For by this Pacification, the King was to confirm whatsoever his Commissioner had already granted, in his Majesty's Name; all his Ecclesiastical Matters were to be determin'd by the Assemblies of the Kirk, and all Matters Civil, by the Parliament; and for that End a General Assembly was to be indicted on the sixth of *August*, and a Parliament on the 20th of the same Month. in which an Act of Oblivion was to pass. The *Scots* within 48 Hours, were to disband all their Forces; restore to the King all his Forts, Castles, and Ammunition of all Sorts; he was to retire with his Land Forces, and cause Restitution to be made to all Persons, of their Ships and Goods, detain'd and arrested since the first of *February*. As to the Proceedings of the Assembly at *Glasco*, they were left as they were found, says *Heylin*, in his Life of Arch-
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shop *Land*; and tho' it was the Chief Ground of the Quarrel, the *Scotch* gain'd all their Points, and the King might have done as much, without stirring from *London*.

The King, upon this Accession to all their Measures, disbanded his Army, without waiting for the least Performance on their Parts. This was no sooner done, they began all their Tricks of Violence over again; they publish'd a Protestation of adhering to their late General Assembly at *Glasco*, as a full and free Assembly of their Kirk, to all their Sentences of Deprivation and Excommunication, of the Bishops; they related that all Archbishops and Bishops, that usurp the Title and Office of Bishops, if they return'd to that Kingdom, were to be esteem'd as cursed, and be delivered up to the Devil, and cut off from Christ, as Ethnicks and Publicans; that all Entertainers of excommunicated Bishops, should be excommunicated by the Kirk. This was to terrify and exclude them from the next Assembly, and from Parliament; they proceeded in all the Acts, of preparing for a fresh War; they kept their fortify'd Towns, and kept up their Army and Officers in pay; they assaulted the King's Privy Councillors, and committed Violence upon their Persons, and gave out shrewd Signs, what the King was to expect from their Hands, and if he came

came either to their Assembly, or to their Parliament.

When their Assembly met, they acted all their old Parts over again, against Episcopacy; they curs'd as bitterly as ever, and damn'd all those who gave the Bishops a bit of Bread: They annull'd, says *Whitelock*, Episcopacy, the five Articles of *Pertb*, the High Commission, the Liturgy, and the Book of Canons.

In the Parliament they went full as great Lengths; the Power of the King in naming the Lords of the Articles was taken away, they erected a third Estate, instead of Bishops, out of Lairds and Barons; they fram'd an Act resistory, touching the Exchequer, Judicatories, Proxies, and Wardlands; by which time the King found himself so eclips'd, that hardly any Part of the Face of his Royal Prerogative was to be seen; and when he presum'd to Prorogue 'em, they made a Declaration, *that this Prerogative was of no Force in Law, being without Consent of the Parliament, that they might justify their Continuance of sitting; but in Regard to his Majesty, they would only at present make a Remonstrance to him, of the Reasons of their Propositions and Proceedings.*

They sent their Deputies to the King, to demand a Confirmation of their unjust Transactions; the King was mild, sweet and rational; the Commissioners, influence

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by *Argyle*, that treble Parricide to his Father, his King, and his Country, were rude and positive; at last the Council came to an unanimous Resolution, to reduce the *Scots* by Force, or in other Words, to restore the King to his Crown of *Scotland*.

The *Scots*, on their Part, entred into a firm Correspondence with Cardinal *Richlieu*, of which *Whitelock*, their own Creature, gives this Account, *An. 1639. 15 Car. p. 31.*

The Covenanters proclaim their Discontents, and implore Aid from the *French* King, by a Letter under the Hands of many of their Principal Actors, which they the less doubted, upon Confidence of Cardinal *Richlieu*.

The Original Letter happen'd to be brought to the King, and found to be the Character of the Lord *Loudon*; it was said, says *Whitelock*, they were encourag'd to take Arms from Cardinal *Richlieu*, by his Chaplain *Chamberlain*, a *Scot*, whom he sent to them, and by Letters, which *Hepborn* a Page to his Eminence brought to divers here in *Scotland*.

Whitelock says, the Earls of *Essex*, *Bedford* and *Holland*, the Lord *Say*, with *Hampden* and *Pym*, &c. were deep in with the *Scotch* Commissioners.

The Treachery of this Affair is beyond Dispute; *Heylin*, in his Life of Archbishop *Land*, *An. 1633. p. 397.* says, *Richlieu* appointed

pointed one of his Secretaries to march along with the *Scots* into *England*; to be present at all Councils of War, and to direct their Business; and that by a Letter subscrib'd by the Earl of *Rothes*, and others of Chief Note amongst the Covenanters, they crav'd the Assistance of that King; cast themselves upon his Protection, beseeching him to give Credit to *Colvill*, the Bearer thereof, whom they had instructed in all Particulars which concern'd their Condition and Desires.

We shall find in all these Transactions, Treason of the highest Nature, no less than a Conspiracy with a foreign Power, to make War with the Kingdom, and to invade their Native Country: If Mr. *Craftsman* can make this to be in Defence of the Constitution, there can be no such Thing as Treason or Rebellion in the Wor'd.

For the future, we must look upon the *Scots* as push'd and erected in every Step, by *French* Councils, and the Kingdom of *England* taking Laws from *France*. I myself have seen a little Hovel in an Island upon the River *Seine* below *St. Germain*s, where Tradition tells us, Cardinal *Richieu*, met the *English* and *Scotch* Incendiaries, in order to consult Measures to interrupt the Peace and Happiness of our Kingdoms.

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A Parliament met in order to assist the King, against the *Scotch* and *French*; so for the future, I shall term the League and Confederacy.

The Parliament met, and were short liv'd; the King upon Intelligence they were more ready to join with the *Scotch* and *French*, than with their lawful Sovereign, dissolv'd them in a very short time.

Whitelock says, *An. Car. 16. p. 33.* as the King had his private Junctō's, so the Agents of the Covenanters, and their Friends in *London* had their private Meetings and Counsels with those who were discontented at the present managing of Affairs at Court, and who had suffered by the late Proceedings; and from hence no small Encouragement and Promise of Assistance was given to the Covenanters.

I observe, in pursuance of these Machinations (of which *Whitelock* must know as much as any one, he being first a Prime Agent, and afterwards a continu'd Prime Minister in all the unhappy succeeding Revolutions) the *Scots* and *French* invaded *England*, and began Hostilities upon the King's Forces at *Newbourn*, pass'd the *Tine*, took *Newcastle*, and afterwards *Durham*.

In this State of Affairs, the *Scotch* and *French* were in a Condition to give Laws to *England*, and accordingly the *Scots* and *French* sent Laws and Considerations of their

their own, to the King, for the Government of both Kingdoms; that the King should confirm all the Laws they had voted for, to establish their Independency of their own Prince, to put *Edinburgh Castle* into their Hands, and to convene an *English* Parliament: They express a mighty Concern for the Kingdom of *England*, and of the Dangers to Church and State.

By this time the Kingdom was brought into a hopeful Mediation, when all was quiet therein, before those Thieves entred our Borders.

A Parliament was called, and when they met, they had the Insolence to make Objections against the King's Speech, and to make him explain upon, and recant his calling the *Scotch*, Rebels.

This was an hopeful Prelude to what follow'd: The *Scotch* and *French* in *England*, being in close Correspondence with the Parliament at *Westminster*; the King was from that time depos'd, and in Effect a Prisoner; whither could he fly? an Army of Foreigners in the *North*, connected with a rebellious Parliament in the *South*, and a cowardly treacherous Army of his own, made his Condition as deplorable as at *Holmby House*, and in the Isle of *White*.

Within this View we shall place the King (when the Parliament, worse than any Plague

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Plague to *England*, met) depos'd Monarch and a Prisoner.

Henceforwards, till the *Scotch* march'd back, the Kingdom was a perfect Commonwealth; there were no Signs of Regality, nor of the ancient Constitution left; Addresses to the King were turn'd into Petitions to the House of Commons, *Bastwick*, *Prynne* and *Burton*, and even the scurrilous *Scot Leighton*, were discharg'd from their Imprisonment, by a Warrant from the House of Commons, to suspend the Laws and reverse a righteous Judgment: The House voted all those Sentences against those Libellers void, and that they ought to have Reparation for all their Losses and Damages from the Judges who pass'd Sentence upon them.

Here the most inferior Estate of all the three, undertook by a single Vote, to vacate the Judgment of a Court, without being themselves a Court of Judicature, and to fine the Judges without a Tryal by their Peers, against *Magna Charta*, and all the Foundations of Right, and against the full Cry of all their Complaints of the *Star-Chamber*.

They proceeded next under the Pretence of an Impeachment of the Earl of *Strafford*, to imprison that Lord, who was the only General the King had with Heart and Hand sufficient to shew the *Scotch* the Way to their own Country.

They

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They proceeded to meddle in all the Affairs of Peace; made the Lord *Cottington* abandon the Command of the Tower, tho' from it's first Erection, it had always been a Garrison of the King's.

All the King's Patents were call'd in, being branded with the odious Name of *Monopolies*, by which they made themselves intire Judges of the Property of the Subject, and the Prerogative of the King.

They proceeded, in Conjunction with the rebellious City of *London*, to raise a Guard about their House when the King had none.

They fell upon Church Matters, and advanc'd the Supremacy of the House of Commons; they sent for Members of the House of Convocation, and acted like the Grand Vestry of the Nation.

They took all the Military Command upon themselves, ordered all the Officers to repair to the Army; resolv'd that the Earl of *Crawford's* Troop, and those other Officers of the Army, who go under the Name of Reformadoes, are an unnecessary Charge, and fit to be spar'd, and that my Lord General be mov'd by Message from this House therein.

In Church Matters, they ran into a direct Premunire, they resolv'd that the Clergy in a Synod or Convocation, had no Power to make Laws, Canons or Constitutions

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tutions, to bind either Laity or Clergy without the Parliament; and that the Canons made by the late Convocation, are against the fundamental Laws of this Realm, the King's Prerogative, Propriety of the Subject, the Rights of Parliament, and do tend to Faction and Sedition.

By which means they assum'd to themselves that inviolable Jewel of the Crown; the Royal Supremacy, and were thereby universally perjur'd by that Vote.

They went farther, and order'd a Bill to be brought in to fine the Clergy who sat in Convocation by the King's Writ. We have a Draught in *Rushworth, Vol. 3. p. 1. p. 235.* of the several Fines, and they amount to 149000 *l.* by which extravagant Fines, they propos'd to fling all the Convocation into a Jayl, for acting by the King's Writ, which they were all sworn to maintain.

I mention these Instances as extraordinary Flights of Power, beyond any Precedents in *English* History; the Reader will find in this Interval, the Government of *England* was perfectly a Common-wealth. To come clearer to our Argument, the *Scotch*, tho' in actual Rebellion, were permitted to send a Charge up to the House of Lords, against the Archbishop of *Canterbury*, which was Treason in each individual Lord; for tho' there was a Cessation of
Arms,

Arms, the War was virtually on Foot. The King only had a Power to treat with the *Scots*, and for them to receive an Accusation against one of their own Peers from the Hands of those Rebels was a Treason at least as great, as that for which the present Duke of *Ormond* stands attainted; for, as I take it, his Treason is founded upon a suppos'd Correspondence with the *French* after the Cessation.

For certainly a Cessation of Arms does not allow a Correspondence with the Enemy to take Instructions from 'em to push their Prince, or in Conjunction with them to distress his Measures.

Their next Flight was to support by their Votes and Resolves the Riot in 1628. which made it a more solemn, more open, cool and deliberate an Avowing and Continuing that Riot: The Lord Keeper *Finch* was voted a Traitor, for refusing to read the Remonstrance in the House of Commons, when he was held by Force in the Chair, and the Parliament was prorogu'd. What strange Things that Set of Men could justify, supported by an Army of Foreigners in the Kingdom. If Mr. *Craftsman* will assert, That the strongest Men in the House may by Force of Boxing oblige the weaker to submit to any Vote or Resolve, I have done: I hope the People for the future

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ture will send only fighting Representatives six Foot high and proportionably big.

However, this was carried through, and all the Members concern'd in that scandalous Riot had 5000 *l.* each voted for amends.

To crown their Treason compleatly, they voted a friendly Assistance to be given to the *Scots*, by which they avow'd openly their Rebellion and Invasion of *England*, and here we design to fix 'em.

Their Vote was, *That this House doth conceive the Sum of 300,000 l. a fit Proportion for the friendly Assistance and Relief thought fit to be made towards the Losses and Necessities of our Brethren of Scotland.*

By this time the King was in no Condition to resist the *Scotch* or *English*; his Army was not in fact his own; Numbers crowded into it rather to meet their Brethren the *Scots*, and their Allies the *French*, than to fight for him; and the Parliament with the same ease might have taken off his Head as the Earl of *Strafford's*, if they had known their own Strength: However, they knew enough to get from him many Concessions, the Effects of Force and Violence. The Triennial Act was one which pass'd, because the Nation slept in too much Happiness the twelve preceding Years without 'em.

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They next proceeded to cut off the Earl of *Strafford*, and not thinking it enough to murder him themselves, they forc'd the King to sign the Bill for his Attainder. They proceeded after that solemn and deliberate Murder, to make him pass an Act for their Continuance as long as they pleased themselves ; note, this was the famous Parliament which dwindled to a Rump, and that Rump was blown away by *Oliver Cromwell*, restor'd by the Army, blown away again, restor'd by *Monk* ; who clap'd a Head to that Rump, and in all manner of Forms they did and do appear monstrous to this Day.

In this State of Affairs they procur'd the King to pass two Bills, to take away the *Star-Chamber* and High Commission Courts in their Act of Rebellion, being in effect in open Arms against the King. Their close Correspondence with those Rebels, and the mutual Relation betwixt 'em, appears by this Vote, *June 19.* they took off 10000*l.* from 50000*l.* which was appointed for the *English* Army, and gave it to the *Scots*. See Whitelock, *p.* 44.

This was strictly High Treason according to the Statute of Treason in *Edw. III.*

What room is there to call any of the Acts valid, pass'd in this State of War, and under this Restraint, with all the Marks of Violence and arbitrary Power. I conclude,

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clude, the *Star-Chamber* and *High Commission Courts* are not yet abolish'd by that Law, and that all the Acts pass'd while the *Scotch Army* was in *England*, are void, as to Equity, and have only Custom and a long Prescription to plead in their behalf; and this Thesis I am ready to maintain against all the World.

I hope, after what has been said, Mr. *Craftsman* will be asham'd to call these Transactions the Acts of our Constitution, when by the Acts of our Constitution the Abettors ought justly and righteously to be hang'd.

I conclude, my Controversy shall be determin'd by Facts, and by a solemn Appeal to the unprejudiced World; I will suffer no original Contracts to be pleaded against my Argument, till they are allow'd in *Westminster-hall*: So I leave the Reader to rest himself, till the next Number comes out concerning Hereditary Right, and bid him for the present farewell.

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